

# PPM 453

## SELECTION OF SERVICE PROVIDERS

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#### ***GENERAL REQUIREMENTS***

### **453.01 SELECTION OF SERVICE PROVIDERS**

Goods and services provided for an assessment for determining eligibility and priority for services, an assessment for determining vocational rehabilitation needs, and program participation under an Individualized Plan

for Employment (IPE) must be procured in an equitable and timely manner from service providers who:

- (1) meet all applicable Vocational Rehabilitation Program requirements for service providers, including all program requirements with respect to—
  - (A) conflict of interest,
  - (B) fiscal accountability, and
  - (C) other general program service provider requirements;
- (2) are service providers of the individual's own informed choice;
- (3) are identified as service providers in the individual's trial work experiences (TWE) plan, extended evaluation (EE) plan, or Individualized Plan for Employment (IPE), as applicable; and
- (4) are able to provide services—
  - (A) in accordance with the provisions of the individual's IPE, and
  - (B) in the most integrated settings possible, consistent with the vocational rehabilitation needs and informed choice of the individual.

## **453.02 INFORMED CHOICE**

### **(1) GENERAL REQUIREMENTS**

Each individual with a disability (or, as applicable each individual's representative) must be provided with opportunities to participate actively and fully in all decisions regarding the selection of the service providers utilized to provide the services determined to be appropriate and vocationally relevant for the individual.

### **(2) ROLE OF THE VOCATIONAL REHABILITATION COUNSELOR**

The role of the Vocational Rehabilitation Counselor is to facilitate the individual's informed choice of service providers, to the maximum extent that the individual's informed choice is consistent with program policies and

practices pertaining to informed choice, service provider standards, fiscal accountability, and other program requirements. In satisfying his or her role, the Vocational Rehabilitation Counselor must provide information and referral services sufficient to permit the individual to make appropriately informed choices from among available service providers.

**(3) INFORMATION PROVIDED**

(A) Each applicant and eligible individual must be provided, or assisted in acquiring, provider information which includes, at a minimum, information relating to:

- (1) the availability, cost, accessibility, and duration of potential services;
- (2) customer satisfaction with the services and available providers, to the extent that such information is available;
- (3) the qualifications of service providers;
- (4) the types of services offered by each provider; and
- (5) the degree to which each provider provides services in integrated settings.

(B) Information regarding service providers must be provided in the language, format, and appropriate modes of communication consistent with the needs and informed choice of the individual or the individual's representative.

**453.03 CONFLICT OF INTEREST REQUIREMENTS**

(1) Except as permitted by paragraph (2) of this section, the same service provider is not permitted to both prescribe or recommend goods and services and vend the goods and services prescribed or recommended.

(2) Notwithstanding the requirements of paragraph (1) of this section, exceptions may be made in limited circumstances, when:

(1) it is a routine and professionally accepted practice for the same provider to both prescribe or recommend goods and services as well as vend the goods or services prescribed or recommended (such as in the case of optometrists, who routinely both prescribe and vend corrective lenses); or

(2) the provider of the prescription/recommendation and the vendor of the goods and services prescribed/recommended are different entities, neither of which benefits directly from the activities of the other, but both of which are operating under authority of the same agency or organization (such as when prescribing physician and a dispensing pharmacy, both operate under authority of the same hospital, clinic, HMO, or other payee); or

(3) the provider from whom the prescription or recommendation is obtained is also the sole-source vendor for the goods or services to be obtained and no comparable goods or services that meet the vocational rehabilitation needs of the individual are available from other providers; or

(4) another reasonable justification for the use of the same service provider to both prescribe or recommend and vend the goods or services provided has been thoroughly documented in the record of services for the individual.

*[REQUIRED PRACTICE. Circumstances justifiable under paragraph (4) of this section to choose a service provider who can both prescribe or recommend as well as vend goods or services might include, for example, documented situations in which: (1) prescribed or recommended items are required on an emergency basis and can be provided more expeditiously by such a choice; or (2) the individual and provider have an existing relationship (e.g., the provider is the individual's family physician) which is likely to benefit the individual in terms of the appropriateness, quality, pricing, or timeliness of service delivery.]*

#### **453.04 FISCAL ACCOUNTABILITY REQUIREMENTS**

The selection of all providers whose services are utilized by the Vocational Rehabilitation Program must satisfy all applicable fiscal accountability requirements described in PPM chapter 600, including, but not limited to, all policies and procedures pertaining to the use of comparable services and benefits, price quote requirements, fee schedules, purchase of service

and other service provision agreements, financial participation, consistency with IPE provisions, the prior knowledge, approval, and authorization of the Vocational Rehabilitation Counselor, and other program fiscal requirements.

*[REQUIRED PRACTICE. See PPM chapter 600 for specific information regarding fiscal accountability requirements.]*

### **453.05 OTHER GENERAL SERVICE PROVIDER REQUIREMENTS**

#### **(1) IN-STATE SERVICE PROVIDER PREFERENCE**

Services available in Indiana from in-state service providers are preferred over services obtained out-of-state, in accordance with the applicable policy and procedures described in PPM chapter 600.

#### **(2) LOCAL COMMUNITY SERVICE PROVIDER PREFERENCE**

Service providers operating within the individual's own local community and available at lower cost are preferred over service providers operating outside the individual's local community at higher cost, in accordance with the applicable policy and procedures described in PPM chapter 600.

***[REQUIRED PRACTICE. For purposes of paragraph 453.05(2), "local community" is defined in PPM chapter 200. The local community preference for services extends to all VR services, including, but not limited to, physical and mental restoration services and postsecondary training programs.]***

#### **(3) USE OF FAMILY MEMBERS OF THE INDIVIDUAL AS SERVICE PROVIDERS**

(A) The Vocational Rehabilitation Program will approve the use of family members as paid service providers for an applicant or eligible program participant only if:

- (1) the family member is a licensed or certified provider for the applicable services (where licensing is required by State law or certification is available from an appropriate professional agency or organization); and

(2) the provision of such services by the provider to his or her own family members is not prohibited by any applicable code of ethics or professional practice guidelines.

(B) Family members who do not meet the requirements of paragraph (3)(A) of this section cannot be utilized as paid service providers for vocational rehabilitation services and will not be paid any fee or other compensation for any services provided.

#### (4) PHYSICAL ACCESSIBILITY REQUIREMENTS

All service providers rendering services with Vocational Rehabilitation Program funds to program applicants and eligible program participants must be accessible to individuals with disabilities, consistent with the requirements, as applicable, of the Architectural Barriers Act of 1968, the Americans with Disabilities Act of 1990, section 504 of the Rehabilitation Act of 1973, and the regulations implementing these laws.

#### (5) LANGUAGE, ALTERNATIVE FORMAT AND APPROPRIATE MODE OF COMMUNICATION REQUIREMENTS

Services provided with Vocational Rehabilitation Program funds to program applicants and eligible program participants must be made available to each applicant or eligible individual in the language, alternative format, or appropriate mode of communication of the individual's informed choice.

### ***SPECIFIC SERVICE PROVIDER STANDARDS***

#### **453.06 PHYSICAL AND MENTAL RESTORATION SERVICES**

(1) Diagnoses can be rendered only by medical doctors (MDs) or psychologists (including school psychologists) licensed to practice medicine or psychology by the State of Indiana or by the state in which they practice.

(2) Prescriptions or recommendations for treatment, and the rendering of treatment, can be obtained only from:

(A) physicians (medical or osteopathic doctors, and ophthalmologists for the treatment of conditions and diseases of the eye)

who are licensed by the Medical Licensing Board of Indiana or the equivalent licensing authority in the state in which they practice and are certified by an appropriate American Specialty Board;

(B) occupational therapists registered with the American Occupational Therapy Association;

(C) psychologists licensed by the Indiana State Psychology Board or the equivalent licensing authority in the state in which they practice, including school psychologists;

(D) optometrists (for the measurement of visual acuity and visual fields) licensed by the Indiana State Board of Optometry Registration and Examination, or by the equivalent licensing authority in the state in which they practice;

(E) podiatrists (for purposes of establishing impairments of the feet and ankles, depending on whether the state in which the podiatrist practices permits the practice of podiatry on the foot only or the foot and ankle) licensed by the State of Indiana or by the state in which they practice;

(F) speech-language pathologists (SLPs, for purposes of establishing speech or language impairments only) licensed by the state professional licensing agency, or fully certified by the state education agency, in the state in which they practice, or holding a Certificate of Clinical Competence from the American Speech-Language-Hearing Association;

(G) audiologists and speech and hearing therapists licensed by the Indiana State Board of Examiners in Speech Pathology and Audiology or the equivalent licensing authority in the state in which they practice;

(H) nurses licensed by the Indiana State Board of Nursing or the equivalent licensing authority in the state in which they practice;

(I) hearing aid dealers qualified by training and experience for the provision of prescribed hearing aids;

(J) prosthetic and orthotic appliance dealers qualified by training and experience for the provision of prescribed prosthetic and orthotic appliances;

(K) other treating specialists (psychiatrists, orthopedists, cardiologists, hematologists, endocrinologists, neurologists, nephrologists, urologists, oncologists, otolaryngologists, otorhinolaryngologists, internists, specialized surgeons, and others) licensed to practice medicine or surgery by the State of Indiana or the state in which they practice, and certified by an appropriate American Specialty Board, if applicable; and

(L) alcohol and drug addiction Counselors, social workers, and other similar professionals certified in the applicable specialty.

#### **453.07 TRAINING SERVICES**

For purposes of all training services provided with Vocational Rehabilitation Program assistance:

(1) colleges, universities, vocational schools, and all other institutions and programs of higher education utilized for the provision of postsecondary academic and vocational training must be fully accredited by the applicable accreditation authority;

(2) training programs provided for Randolph-Sheppard blind vending program trainees, orientation and mobility training, and rehabilitation teaching services provided for individuals who are blind must be approved by the Bureau of Blind and Visually Impaired Services (BVIS) of DDRS;

(3) on-the-job training must be provided by an employer-trainer who meets the requirements described in PPM chapter 531;

(4) driver training can be secured only from accredited driver training programs that use only fully certified driving instructors.



**453.08 ASSISTIVE TECHNOLOGY SERVICES AND DEVICES****(1) ASSISTIVE TECHNOLOGY EVALUATIONS**

Assistive technology services and assistive technology devices can be provided only upon the written recommendation of an assistive technology evaluation performed by an evaluator who:

(A) is an occupational therapist, a rehabilitation engineer, or another qualified individual with sufficient specialized training and experience regarding evaluation techniques, accessibility and related standards, and available technology to conduct a thorough evaluation, determine an individual's functional and vocational needs, and make appropriate recommendations as to necessary services and devices; and

(B) has no vested interest in the services or devices recommended.

**(2) TELECOMMUNICATIONS, SENSORY, AND OTHER TECHNOLOGICAL AIDS AND DEVICES**

Telecommunications, sensory, and other technological aids and devices can be provided only upon the written recommendation of an assistive technology evaluation completed in accordance with paragraph (1) of this section, and can be obtained only from providers qualified by specialized training and experience provide and fit the aids and devices recommended.

**(3) COMPUTER HARDWARE AND SOFTWARE**

Computer hardware and software can be provided only upon the written recommendation of an assistive technology evaluation completed in accordance with paragraph (1) of this section, and can be obtained only from providers qualified to supply and install the hardware and software recommended.

**(4) VEHICLE MODIFICATIONS**

Vehicle modification evaluators, modification vendors, and modification inspectors must be providers in good standing on the applicable approved vendor list maintained by the Vocational Rehabilitation Program, and must meet the provider standards described in PPM chapter 540.

**453.09 PERSONAL ASSISTANCE SERVICES PROVIDERS****(1) INTERPRETING AND ASSISTED COMMUNICATION SERVICES**

Interpreting and other assisted communication services can be provided only by qualified individuals meeting the requirements described in PPM chapter 583.

**(2) ATTENDANT, READING, AND NOTE TAKING SERVICES**

Service providers selected to provide attendant, reading, and note taking services must be selected:

(A) in accordance with the informed choice of the applicant, eligible individual, or representative; and

(B) on the basis of individual credentials, including training and experience, availability to meet the scheduling and other needs of the individual, and other similarly pertinent factors.

**453.10 JOB-RELATED SERVICES PROVIDERS**

(1) Community rehabilitation programs (CRPs) and other service providers for job development, job placement, and job retention services (including supported employment services) must be accredited by:

(A) the Commission on Accreditation of Rehabilitation Facilities (CARF); or

(B) the Council on Quality and Leadership in Supports for People with Disabilities; or

(C) the Joint Commission on Accreditation of Healthcare Organizations (JCAHO); or

(D) the National Commission on Quality Assurance; or

(E) another independent national accreditation organization approved by the Secretary of the Indiana Family and Social Services Administration (FSSA).

(2) To the extent that the accreditation requirements of an accrediting organization described in paragraph (1) of this section do not cover a specific requirement determined by the Director of the Division of Disability and Rehabilitative Services (DDRS) to be necessary for a contracted service, the division shall specify these additional requirements as part of the division's contract for job development, job placement, job retention, and related services.

[AUTHORITY: Federal regulations 34 CFR 361.50; 361.51; 361.52; 361.53; 361.54; I.C. 12-12-1-4(b), as amended by P.L. 64-2002, Sec. 3.]

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